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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,425	10/31/2000	Dimitri Kanevsky	728-175(YOR9-2000-0412)	1522

7590 08/20/2004

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EXAMINER	
HARPER, V PAUL	

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/702,425	Applicant(s) KANEVSKY ET AL.	
	Examiner V. Paul Harper	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-85 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-41,43,44,53-66,70-76 and 80-85 is/are rejected.

7)☒ Claim(s) 42,45-52,67-69,77-79 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The statement "receiving, or not receiving, at least one bid" is not self consistent. Receiving at least one bit precludes not receiving at least one bid.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

In line 5 of claim 1, the phrase "to perform said," should be replaced with –to perform said service,--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 13, 20, 23, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller (U.S. Patent 6,298,326), hereinafter referred to as Feller, in view of Archbold (U.S. Patent 6,604,124), hereinafter referred to as Archbold.

Regarding **claims 1, 20 and 26,** Feller discloses a real-time, off-site data entry system. Feller's system includes the steps of:

- receiving, from a user, a request for service (col. 5, lines 39-42);
- determining if at least one service agent is available to perform said service (col. 5, lines 39-44, necessary step in performing the task);
- assigning at least one service agent to perform said [service], if at least one service agent is available (col. 5, lines 41-43, routed to a transcriber);
- providing a result of said service in real time to the user, where the result, in transcription service, is transcribed text of spoken words of at least one speaker, ... (col. 5, line 63 through col. 6, line 5);
- wherein, in transcription service, a service agent is a stenographer (col. 5, line 63 through col. 6, line 5, human transcribers and typists).

But Feller fails to discloses "where, in translation service, the result is a translation of spoken words of at least one speaker and a service agent is a translator, the spoken words of the at least one speaker are in a first language, and the translation is in a second language." However, the examiner contends that this concept was well known in the art, as taught by Archbold.

In the same field of endeavor, Archbold discloses a system for managing jobs where the jobs include translation (col. 1, lines 34-36, col. 9, lines 40-45, where translation involves translating from a first language into a second language).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for translation, as taught by Archbold, since it was well-know to be advantageous to support a wider variety of date entry functions (Archbold, col. 1, lines 15-38).

Regarding **claims 2 and 27**, Feller, in view of Archbold teaches everything claimed, as applied above (see claims 1 and 26). Feller further teaches the routing of a call to a transcriber (col. 5, lines 39-42), but Feller does not specifically teach the assigning at least one service agent comprising the steps of:

a) determining if there is a user preference concerning the received request;

b) assigning at least one service agent, if it is determined there is no user preference;

c) determining whether said user preference can be met, if it is determined there is said user preference;

d) assigning at least one service agent to perform said service so that said user preference is met.

However, the examiner contends that this concept was well known in the art, as taught by Archbold.

Archbold further discloses a means for selecting scribes for transcription (for a)—d), above, col. 2, lines 57-60, including information about abilities, col. 3, lines 55-58, col. 9, lines 29-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller in view of Archbold by specifically providing support for transcriber assignment, as taught by Archbold, since it was well-know to be advantageous to match a worker (transcriber) with the requirements of the job.

Regarding **claim 13**, Feller in view of Archbold teaches everything claimed, as applied above (see claim 1), but Feller does not specifically teach "wherein the translation is in the form of text." However, the examiner contends that this concept was well known in the art, as taught by Archbold.

Archbold discloses that the jobs performed include transcription and translation (col. 1, lines 34-36, col. 9, lines 40-45, where translation involves translating from a first language into a second language and the result can be written out to a file, col. 4, lines 20-21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for translation to text, as taught by Archbold, since it was well-know to be advantageous to support a wider variety of date entry functions (Archbold, col. 1, lines 15-38).

Regarding **claim 23**, this claim has limitations similar to those found in claim 2 and is rejected for the same reasons.

4. Claims 12, 22, 37, 38, 53, 57, 58, 60 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller, in view of Archbold and Klinefelter et al. (U.S. Patent Application Publication 2002/0069067 A1).

Regarding **claims 38, 60 and 70,** these claims include limitations similar to those in claim 1 and are rejected for the same reasons. But Feller does not specifically teach "receiving, from a user, a request for service, said request including service parameters, said service parameters including a date, a starting time, and an ending time for the service." However, the examiner contends that this concept was well known in the art, as taught by Klinefelter.

In the same field of endeavor, Klinefelter discloses a method for providing interpretive communication on a network. Klinefelter's method includes the steps of providing information related to when the service will be needed and for what duration (¶'s [0028] and [0029]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing the parameters, as taught by Klinefelter, since this approach allows for the choice of an interpreter with available time (Klinefelter, ¶[0029]).

Regarding **claims 12, 22, 37 and 57**, Feller in view of Archbold [and Klinefelter] teaches everything claims (see claims 1, 20, 26 [and 38]), but Feller does not specifically teach the steps of:

- receiving, by at least one translator, a first audio transmission from the user, where the first audio is speech by the user in the second language;
- speaking, by the at least one translator, a translation of the first audio transmission into the first language; and
- transmitting, to the at least one speaker, a second audio transmission, where the second audio is the spoken translation in the first language.

However, the examiner contends that this concept was well known in the art, as taught by Klinefelter.

Klinefelter further discloses an online exchange linking to oral interpreter (Fig. 1, ¶[0059]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing the oral translation capability, as taught by Klinefelter, since there is a need for this type of translation capability as an aid to communication (Klinefelter, ¶[0022]).

Regarding **claim 53**, Feller in view of Archbold and Klinefelter teaches everything claimed, as applied above (see claim 53). In addition, Feller teaches that "the real-time service is performed by a team of service agents (col. 5, lines 37-42).

Regarding **claim 58**, this claim has a limitation similar to claim 13 and is rejected for the same reason.

5. Claims 3, 4, 6, 8, 14, 24, 28, 29, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller, in view of Archbold, Beck et al. (U.S. Patent 6,381,640), hereinafter referred to as Beck and further in view of Kahn et al. (U.S. Patent 6,122,614), hereinafter referred to as Kahn.

Regarding **claim 14**, this claim has limitations similar to those found in claim 1 and is rejected for the same reasons. But Feller does not specifically teach performing, if at least one service agent is available, the following sub-steps:

a) determining if there is a user preference concerning the received service request;

b) assigning at least one service agent, if it is determined there is no user preference;

c) determining whether said user preference can be met, if it is determined there is said user preference; and

d) assigning at least one service agent to perform said service so that said user preference is met.

However, the examiner contends that these steps were well known in the art, as taught by Archbold.

Archbold further discloses a system for managing jobs where the jobs include translation (for a)--d), col. 1, lines 30-65, col. 9, lines 40-43, requiring the determination

of the need for translation (user request), and the assigning the job to an scribe capable to performing the service).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for assigning service agents, as taught by Archbold, since it was well-know to be advantageous to match skill to the required task (Archbold, col. 1, lines 15-38).

Furthermore, Feller does not specifically teach "performing, if at least one service agent is not available, the following sub-steps (i.e., performing speech recognition when there is no agent). However, the examiner contends that this concept was well known in the art, as taught by Beck.

In the same field of endeavor, Beck teaches that speech recognition technology can be used when there is no available live attendant (transcriber, stenographer, ... col. 21, lines 34-46).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing speech recognition support, as taught by Beck, since the use of speech recognition is a convenient way to support automation (col. 21, lines 38-41).

Furthermore, Feller also does not specifically teach the following steps:

a) determining an identity of the at least one speaker;

b) retrieving, if the identity of the at least one speaker is determined, a speaker profile of said identified at least one speaker;

c) performing, by means of a computer, speaker-dependent Automatic Speech Recognition (ASR), using said retrieved speaker profile;

d) creating, if the identity of the at least one speaker is not determined, a speaker profile of said unidentified at least one speaker;

e) storing said speaker profile in a speaker profile database; and

f) establishing an identity for said stored speaker profile so that the identity of the at least one speaker is determined; and

g) performing, by means of a computer, speaker-independent Automatic Speech Recognition (ASR), while said speaker profile is being created;

However, the examiner contends that these steps were well known in the art, as taught by Kahn.

In the same field of endeavor, Kahn discloses a system for automating transcription services using automatic speech recognition. Kahn's system includes: a), b) determining the current user (Fig. 2a, item 206, col. 10, lines 47-52), c) col. 10, lines 50-55, item 603, d)—g), Figs, 2b, or 2c, enrollment/training).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for automatic speech recognition, as taught by Kahn, since it was well-know to be advantageous to automate transcription services (Kahn col. 1, lines 59-65).

Regarding **claims 3 and 28**, Feller in view of Archbold teaches everything claimed, as applied above (see claims 1 and 26), but Feller does not specifically teach the following:

a) if at least one service agent is not available, the step of:

b) determining an identity of the at least one speaker.

However, the examiner contends that concept a) was well known in the art, as taught by Beck.

In the same field of endeavor, Beck teaches that speech recognition technology can be used when there is no available live attendant (transcriber, stenographer, ... col. 21, lines 34-46).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing speech recognition support, as taught by Beck, since the use of speech recognition is a convenient way to support automation (col. 21, lines 38-41).

Furthermore, Feller also does not specifically teach step b), above, determining an identity of the at least one speaker.

However, the examiner contends that this step was well known in the art, as taught by Kahn.

In the same field of endeavor, Kahn discloses a system for automating transcription services using automatic speech recognition. Kahn's system includes the step of determining the current user (Fig. 2a, item 206, col. 10, lines 47-52).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for automatic speech recognition (i.e. speaker identification), as taught by Kahn, since it was well-know to be advantageous to automate transcription services (Kahn col. 1, lines 59-65) and speaker-specific templates improve accuracy.

Regarding **claims 4 and 29**, Feller in view of Archbold, Beck and Kahn teaches everything claimed, as applied above (see claims 3 and 28). But Feller in view of Archbold, Beck and Kahn do not specifically teach:

a) retrieving a speaker profile of said identified at least one speaker; and

b) performing, by means of a computer, speaker-dependent Automatic Speech Recognition (ASR), using said retrieved speaker profile.

However, the examiner contends that these steps were well known in the art, as taught by Kahn.

Kahn's system further includes the ability to retrieve a speaker's profile, a) above, and the ability to perform Automatic Speech Recognition, b) above (Fig. 2a, item 206, col. 10, lines 47-55, item 603).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for automatic speech recognition, as taught by Kahn, since it was well-know to be advantageous to automate transcription services (Kahn col. 1, lines 59-65).

Regarding **claims 6 and 31**, Feller in view of Archbold, Beck and Kahn teaches everything claimed, as applied above (see claims 3 and 28). But Feller does not specifically teach the following:

a) creating a speaker profile of said unidentified at least: one speaker;

b) storing said speaker profile in a speaker profile database; and

c) establishing an identity for said stored speaker profile so that the identity of the at least one speaker is determined.

However, the examiner contends that these steps were well known in the art, as taught by Kahn.

Kahn further discloses enrollment and training of a speaker (for a)—c), above, Figs, 2b, or 2c, enrollment/training, start training, item 407, save model, item 408).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for speaker dependent speech recognition, as taught by Kahn, since training improves recognition accuaracy (Kahn col. 1, lines 59-65).

Regarding **claims 8 and 33**, Feller in view of Archbold, Beck and Kahn teaches everything claimed, as applied above (see claims 6 and 31). But Feller does not specifically teach the following:

a) requesting that the user provide an identity for said stored speaker profile;

b) receiving an identity from the user; and

c) storing said user-provided identity as the established identity of said stored speaker profile.

However, the examiner contends that these steps were well known in the art, as taught by Kahn.

Kahn further discloses enrollment and training of a speaker (for a)—c), above, Figs, 2b, or 2c, establish user, item 307, enrollment/training, start training, item 407, save model, item 408, select current user, 601).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for speaker dependent speech recognition (i.e., storing and access to speaker profile), as taught by Kahn, since access to speaker profiles is required speaker-dependent recognition.

Regarding **claim 24**, this claim has limitations similar to those found in claim 14 and is rejected for the same reasons.

6. Claims 5, 7, 15, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold, Beck and Kahn in view of well known prior art (MPEP 2144.03).

Regarding **claims 5, 15 and 30**, Feller in view of Archbold, Beck and Kahn teaches everything claimed, as applied above (see claims 4 and 29), but Feller does not

specifically teach "the speaker-dependent ASR produces text in a first language, further comprising the step of: translating said text in a first language to text in a second language." However, the examiner takes official notice of the fact that the translation of text from a first language into a second language was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller in view of Archbold, Beck and Kahn such that the translation was performed, since this is a valuable document processing operation (Archbold, col. 1, 34-37).

Regarding **claims 7 and 32**, Feller in view of Archbold, Beck and Kahn teaches everything claimed, as applied above (see claims 3 and 28). But Feller in view of Archbold, Beck and Kahn does not specifically teach performing speaker-independent automatic speech recognition, while said speaker profile is being created. However, the examiner takes official notice of the fact that the adaptation of a speaker-independent template to a speaker dependent template was well-known in the art at the time of the invention.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller in view of Archbold, Beck and Kahn such that the recognition and training were initially performed using a speaker-independent file, since this allows recognition and hence transcription to begin immediately.

7. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feller, in view of Archbold, Beck, Kahn, Klinefelter and further in view of Force (U.S. Patent 6,704,716), hereinafter referred to as Force.

Regarding **claim 59**, this claim has limitations similar to those found in claim 14 and is rejected for the same reasons. In addition, Feller teaches the use of a central office of human transcribers (col. 5, lines 37-40), which corresponds to "generating a pool of service agents that are capable of performing said service with said service parameters," but Feller does not specifically teach performing, if at least one service agent on the list of service agents is capable of performing said service with said service parameters, the sub-step of: "notifying the pool of service agents of the request for service" However, the examiner contends that this concept was well known in the art, as taught by Klinefelter.

In the same field of endeavor, Klinefelter discloses a method for providing interpretive communication on a network. Klinefelter's method includes the step of notifying any available and qualified interpreter (¶[0029]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically notifying service agents, as taught by Klinefelter, since it allows an interpreter to indicated availability (¶[0029]).

Furthermore, Feller does not teach the following steps:

a) receiving, or not receiving, at least one bid, each of at least one bid indicating a monetary amount for which a service agent will perform the service; and

b) notifying the user of the at least one bid, or lack thereof;

However, the examiner contends that these steps were well known in the art, as taught by Force.

In the same field of endeavor, Force discloses a method for conducting an online transaction that allows the seller (users) and bidders (service agents) to negotiate (col. 3, lines 40-47).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically supporting the bidding procedure as taught by Force, since it allows for auction-type process to obtain the service at the best price (Force, col. 1, lines 60-67).

As argued above, Force teaches the use of bidding (see previous paragraph) and Feller in view of Beck and Kahn teaches the use of automatic speech recognition if no service agent is available (see claim 14 rejection). But they do not specifically teach "generating at least one bid, ... and notifying the user of the generated at least one bid." However, the examiner contends that this step was well known in the art, as taught by Klinefelter.

Klinefelter further discloses alternative ways of determining fees (¶[0031]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically supporting a fixed fee based on a variety of factors supporting the automatic generation of a bid, since automatic bidding would be necessary if there is no human transcriber (bidder) involved.

8. Claims 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Klinefelter and Force.

Regarding **claim 80**, Feller discloses a real-time, off-site data entry system. Feller's system includes the step of "receiving, from a user, a request for transcription service" (col. 5, lines 39-42). But Feller does not specifically teach "said request including service parameters, said service parameters including a date, starting time, and an ending time." However, the examiner contends that this concept was well known in the art, as taught by Klinefelter.

In the same field of endeavor, Klinefelter discloses a method for providing interpretive communication on a network. Klinefelter's method includes the steps of providing information related to when the service will be needed and for what duration (¶'s [0028] and [0029]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing the parameters, as taught by Klinefelter, since this approach allows for the choice of an interpreter with available time (Klinefelter, ¶[0029]).

Furthermore, Feller does not specifically teach the following steps:

a) displaying said request;

b) receiving bids to perform said transcription service, each of said bids indicating a monetary amount for which a stenographer will perform said transcription service;

c) displaying said received bids;

d) whereby the user chooses whether to accept one of said displayed bids.

However, the examiner contends that these steps were well known in the art, as taught by Force.

In the same field of endeavor, Force discloses a method for conducting an online transaction that allows the seller (user) and bidder(s) (service agents) to negotiate (col. 3, lines 40-47) including displaying information about the item (request, col. 3, lines 41-42), receiving and storing offers from the bidder (b) ,c) and d) col. 3, lines 52-56) and negotiating (d), including the acceptance of a bid, col. 3, lines 50-58).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically supporting the bidding procedure as taught by Force, since it allows for auction-type process to obtain the best service at the best price (Force, col. 1, lines 60-67).

Regarding **claim 81**, Feller in view of Klinefelter and Force teaches everything claimed, as applied above (see claim 80). But Feller does not specifically teach there is a time limit for receiving bids, the method further comprising the steps of:

a) closing the display of received bids when the time limit is reached;

b) notifying the user of final received bids when the time limit is reached; and

c) receiving a response from the user to the final received bids.

However, the examiner contends that these steps were well known in the art, as taught by Force.

Force further discloses a means for terminating the negotiation and notifying the user (a)-c) col. 2, lines 10-11, lines 52-58; col. 3, lines 52-57)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically supporting the bidding procedure as taught by Force, since it allows the auction process to terminate in a reasonable fashion.

Regarding **claim 82**, Feller in view of Klinefelter and Force teaches everything claimed, as applied above (see claim 81); in addition, Feller teaches "the step of providing, in real time, a transcribed text of spoken words of at least one speaker, said transcription being provided in accordance with the request and the response from the user" (col. 5, line 63 through col. 6, line 5).

9. Claims 39-41, 43, 44, 61-63, 65, 66, 71-73, 75, 76, and 83-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Klinefelter, Force, Archbold.

Regarding **claim 83**, this claim contains limitations similar to those found in the rejection of claim 80 and is rejected for the same reasons. But Feller fails to disclose that the service performed is a translation service." However, the examiner contends that this concept was well known in the art, as taught by Archbold.

In the same field of endeavor, Archbold discloses a system for managing jobs where the jobs include translation (col. 1, lines 34-36, col. 9, lines 40-45, where translation involves translating for a first language into a second language).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for translation, as taught by Archbold, since it was well-know to be advantageous to support a wider variety of date entry functions (Archbold, col. 1, lines 15-38).

Regarding **claims 39, 61 and 71**, Feller in view of Archbold and Klinefelter teaches everything claimed, as applied above (see claims 38, 60 and 76). But Feller does not specifically teach "the step of soliciting bids from a pool of service agents, each of said bids indicating a monetary amount for which a service agent will perform the service." However, the examiner contends that these steps were well known in the art, as taught by Force.

In the same field of endeavor, Force discloses a method for conducting an online transaction that allows the seller (users) and bidders (service agents) to negotiate (col. 3, lines 40-47) where the seller provides information about the sale item (soliciting bids, col. 2, liens 7-12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically supporting the bidding procedure as taught by Force, since it allows for auction-type process to obtain the service at the best price (Force, col. 1, lines 60-67).

Regarding **claims 40, 62 and 72**, Feller in view of Archbold, Klinefelter and Force teaches everything claimed, as applied above (see claims 38, 60 and 70). But Feller does not specifically teach "receiving, [for claim 40, see 112 2nd rejection, above], at least one bid, each of at least one bid indicating a monetary amount for which a service agent will perform the service." However, the examiner contends that these steps were well known in the art, as taught by Force.

Force discloses a method for conducting an online transaction that allows the seller (users) and bidders (service agents) to negotiate (col. 3, lines 40-47).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically supporting the bidding procedure as taught by Force, since it allows for auction-type process to obtain the service at the best price (Force, col. 1, lines 60-67).

Regarding **claims 43, 44, 65, 66, 75 and 76,** Feller in view of Archbold, Klinefelter and Force teaches everything claimed, as applied above (see claims 38, 60 and 70). But but Feller does not specifically teach the step of "accepting, if there is at least one bid, a lowest bid, said acceptance being made automatically at a predetermined time; and notifying the bidder of the at least one bid." However, the examiner contends that these steps were well known in the art, as taught by Force.

Force further discloses the step of accepting the best bid within a certain time frame (col. 2, lines 43-47).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically accept the best bid, since it allows for auction-type process proceed without manual intervention.

Regarding **claims 41, 63 and 73**, these claims contain limitations similar to those found in claims 40, and 43 and are rejected for the same reasons.

Regarding **claim 84**, this claim has limitations similar to those found in claim 81 and is rejected for the same reasons.

Regarding **claim 85**, Feller in view of Archbold, Klinefelter and Force teaches everything claimed, as applied above (see claim 84), but Feller does not specifically teach "where, in translation service, the result is a translation of spoken words of at least one speaker and a service agent is a translator, the spoken words of the at least one speaker are in a first language, and the translation is in a second language." However, the examiner contends that this concept was well known in the art, as taught by Archbold.

In the same field of endeavor, Archbold discloses a system for managing jobs where the jobs include translation (col. 1, lines 34-36, col. 9, lines 40-45, where translation involves translating from a first language into a second language).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for

translation, as taught by Archbold, since it was well-know to be advantageous to support a wider variety of date entry functions (Archbold, col. 1, lines 15-38).

10. Claims 9, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold and further in view of Engelke (U.S. Patent 5,909,482), hereinafter referred to as Engelke.

Regarding **claims 9 and 34**, Feller in view of Archbold teaches everything claimed, as applied above (see claims 1 and 26). But Feller does not specifically teach the following:

a) receiving, by at least one service agent, typed text from the user; and

b) reading, by at least one service agent, the typed text aloud so that the at least one speaker may hear.

However, the examiner contends that these concepts were well known in the art, as taught by Engelke.

In the same field of endeavor, Engelke teaches the use of a relay for a personal interpreter where a deaf person types on a keyboard and a call assistant speaks the typed words (col. 4, lines 53 through 69).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller in view of Archbold by specifically providing interpreter, as taught by Engelke, since it was well-know that such an arrangement allows communication between a deaf person and a hearing person.

Regarding **claim 21**, this claim has limitations similar to those found in claim 9 and is rejected for the same reasons.

11. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold, Beck and Kahn and further in view of Engelke.

Regarding **claim 16**, this claim has limitations similar to claim 9 and is rejected for the same reasons.

Regarding **claim 18**, this claim has limitations similar to those found in claim 12 and is rejected for the same reasons (note: Engelke supports translation, col. 4, lines 50-67).

12. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold and Klinefelter and further in view of Engelke.

Regarding **claim 54**, this claim has limitations similar to claim 9 and is rejected for the same reasons.

13. Claims 10 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold and Engelke and further in view of well known prior art (MPEP 2144.03).

Regarding **claims 10 and 35**, Feller in view of Archbold and Engelke teaches everything claimed, as applied above (see claims 9 and 34). But Feller in view of Archbold and Engelke do not specifically teach "the typed text from the user is in a second language and the at least one service agent reads it aloud in the first language." However, the examiner takes official notice of the fact that the performance of language translation while interpreting was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller in view of Archbold and Engelke such that the language translation was performed, since support for language translation is useful when needing to communicate in a foreign language.

14. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold and Klinefelter and further in view of well known prior art (MPEP 2144.03).

Regarding **claim 55**, this claim has limitations similar to those in claim 10 and is rejected for the same reasons.

15. Claims 11, 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold and Alcendor et al. (U.S. Patent 6,546,082) hereinafter referred to as Alcendor.

Regarding **claims 11, 25, and 36**, Feller in view of Archbold teaches everything claimed, as applied above (see claims 1, 20, and 26), but Feller does not specifically teach the steps of:

- receiving, by a text-to-speech synthesizer, typed text from the user;
- speaking, by the text-to-speech synthesizer, the typed text aloud so that the at least one speaker may hear.

However, the examiner contends that these concepts were well known in the art, as taught by Alcendor.

In the same field of endeavor, Alcendor teaches a method for assisting speech and hearing impaired subscribers using the telephone and central office. Alcendor's method includes the steps of receiving text by a user and using a text-to-speech resource to generate an audio output (col. 3, lines 50-56)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller in view of Archbold by specifically providing the speech generation, as taught by Alcendor, to provide services for hearing-impaired individuals (col. 3, lines 15-19).

16. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold, Beck, Kahn and further in view of Alcendor.

Regarding **claim 17**, this claim has limitations similar to claim 11 and is rejected for the same reasons.

Regarding **claim 19**, Feller in view of Archbold, Beck, Kahn teaches everything claimed, as applied above (see claim 14), but Feller does not specifically teach:

a) receiving, by a text translating device, typed text in a second language from the user;

b) translating the typed text in a second language to a first language;

c) reading, by a text-to-speech synthesizer, the typed text in a first language aloud so that the at least one speaker may hear.

However, the examiner contends that some of these concepts were well known in the art, as taught by Alcendor.

In the same field of endeavor, Alcendor teaches a method for assisting speech and hearing impaired subscribers using the telephone and central office. Alcendor's method includes the steps of receiving text by a user (a), above) and using a text-to-speech resource to generate an audio output (c), above) (col. 3, lines 50-56)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller in view of Archbold, Beck, and Kahn

by specifically providing the speech generation, as taught by Alcendor, to provide services for hearing-impaired individuals (col. 3, lines 15-19).

But Feller does not specifically teach b), above; however, the examiner contends that this concept was well known in the art, as taught by Archbold.

Archbold discloses that the job performed include transcription and translation (col. 1, lines 34-36, col. 9, lines 40-45, where translation involves translating from a first language into a second language and the result can be written out to a file, col. 4, lines 20-21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Feller by specifically providing support for translation to text, as taught by Archbold, since it was well-know to be advantageous to support a wider variety of date entry functions (Archbold, col. 1, lines 15-38).

17. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feller in view of Archbold, Klinefelter, and further in view of Alcendor.

Regarding **claim 56**, this claim has limitations similar to claim 11 and is rejected for the same reasons.

18. Claims 64 and 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feller, in view of Archbold, Klinefelter and further in view of Beck.

Regarding **claims 64 and 74**, these claims have limitations similar to claim 14 (the ASR service is performed by computer) and are rejected for the same reasons.

Allowable Subject Matter

19. Claims 42, 45-52, 67, 68, 69 and 77-79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 42**, it is noted that the closest prior art of record, Force, does not teach that at least one automatically generated bid is determined based on the computing means performing the service.

Regarding **claims 45, 67 and 77**, it is noted that the closest prior art of record, Feller, does not specifically teach receiving a response for the user in response to information concerning the service performance.

Regarding **claim 48**, it is noted that the closest prior art of record, Feller, does not determine that if no service agent is available whether the user wishes to use Automatic Speech Recognition.

Citation of Pertinent Art

20. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- Bennett et al. (U.S. Patent 5,884,256) discloses a real-time stenographic system speech-to-text conversion.
- Everett (U.S. Patent 6,701,162) discloses an electronic device having capabilities for hearing-impaired.
- Tokieda et al. (U.S. Patent Application 2002/0193983 A1) discloses a system for multilingual information translation through a communications network.

Conclusion

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

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2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703) 305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.

V. Paul Harper

VPH/vph
August 12, 2004

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER